

## Chapter 19

### **FIRE PROTECTION AND PREVENTION\***

Art.	I.	In General, §§ 19-1—19-15
Art.	II.	Fire Department, §§ 19-16—19-39
Art.	III.	Fire Prevention, §§ 19-40—19-44

#### **ARTICLE I. IN GENERAL**

**Secs. 19-1—19-15. Re served.**

#### **ARTICLE II. FIRE DEPARTMENT<sup>α</sup>**

##### **Sec. 19-16. Com po si tion.**

The fire department shall consist of a chief, assistant to the chief and such number of officers and other personnel as the council may, on the recommendation of the city manager, deem necessary for proper fire prevention and suppression work of the city. (Code 1959, § 13-1)

##### **Sec. 19-17. Physi cal quali fi ca tions of mem bers.**

Neither the chief nor any member of the fire department shall qualify until he shall have been physically examined and found to be physically fit to perform the duties he is to undertake. (Code 1959, § 13-2)

##### **Sec. 19-18. Ap point ment of chief; term.**

The city manager shall appoint a chief of the fire department, whose term of office shall be at the pleasure of the city manager. (Code 1959, § 13-3)

##### **Sec. 19-19. Ap point ment of of fi cers and other per son nel; term.**

The city manager shall appoint such number of officers and such other personnel as the efficiency of the department requires, and the appropriation for the department justifies. Their term of office shall be at the pleasure of the city manager. (Code 1959, § 13-4)

##### **Sec. 19-20. Po lice pow ers of fire men fire fight ers.**

The officers and members of the fire department are hereby empowered during the time of a fire and while responding to any alarm or notice of fire with the powers and functions of policemen police officers, and in such capacity, may do all things necessary for the public safety. (Code 1959, § 13-5)

##### **Sec. 19-21. Sum mon ing fire- fighting, am bu lance, or other emer gency equip ment with out just cause.**

(a) Any person who, without just cause therefor, calls or summons, by telephone or otherwise, any ambulance, fire-fighting apparatus or other emergency vehicle or equipment, or any person who maliciously

\***Cross reference**—Ambulances, Ch. 5; buildings, Ch. 11; fire districts, § 11-5; exemption of fire-fighting apparatus from traffic regulations, § 25-132; following, parking near fire apparatus, § 25-133; driving over fire hose, § 25-134.

<sup>α</sup>**Charter reference**—Fire department, § 39.

**Cross reference**—Authority of fire officials to direct traffic, § 25-11.

**State law reference**—Fire departments, Code of Virginia, § 27-6.1 et seq.

activates a manual or automatic fire alarm in any building used for public assembly or for any other public use, including, but not limited to, schools, theatres, stores, office buildings, shopping centers and malls, coliseums and arenas, regardless of whether ambulances, fire apparatus or other emergency equipment responds or not, shall be deemed guilty of a Class 1 misdemeanor.

(b) Any person who aids, counsels or procures another, without just cause therefor, to call or summons by telephone, street alarm box, or otherwise, any emergency equipment described in paragraph (a) above shall be deemed guilty of a Class 1 misdemeanor. (Code 1959, § 13-6; Ord. No. O-81-265, § 1, 11-10-81)

**State law reference**—Similar state law, Code of Virginia, § 18.2-212.

**Sec. 19- 22. Dis ob e di ence of or ders of of fi cer in com mand at fire.**

It shall be unlawful for any person at a fire to refuse or neglect to obey any order duly given by the officer in command. (Code 1959, § 13-7)

**State law reference**—Similar provisions, Code of Virginia, § 27-19.

**Sec. 19- 23. Power of of fi cer in com mand at fire to or der de struc tion of prop erty.**

The officer commanding at a fire may direct the pulling down or destroying of any fence, house or other thing which he may judge necessary to be pulled down or destroyed, to prevent the further spreading of the fire, and for this purpose, may require such assistance from all present as he shall judge necessary. (Code 1959, § 13-8)

**State law reference**—Similar provisions, Code of Virginia, § 27-20.

**Sec. 19- 24. Emer gency fire men.**

In times of emergency, the chief of the fire department may appoint such additional number of firemen as may seem necessary, report of which shall be made to the city manager. (Code 1959, § 13-9)

**Sec. 19- 25. Du pli cate keys to alarm boxes.**

It shall be unlawful for any person, without the authority of the chief of the fire department, to make or cause to be made, or have in his possession, a duplicate or impression of the key of any fire alarm box. Any person violating this section shall be deemed guilty of a class 3 misdemeanor. (Code 1959, § 13-10)

**Sec. 19- 26. Tam per ing with or de fac ing fire alarm sys tem.**

It shall be unlawful for any person to tamper with the alarm boxes, poles, wires, insulators, batteries or any other thing connected with the fire alarm system or to deface the poles or alarm boxes of the system. (Code 1959, § 13-11)

**Sec. 19- 27. Will ful in jury to fire ap pa ra tus.**

If any person shall willfully injure any of the fire apparatus in the custody of the fire department, he shall be guilty of a class 2 misdemeanor. (Code 1959, § 13-12)

**Sec. 19- 28. Hin der ing fire men.**

If any person shall willfully hinder or attempt to hinder any fireman in the discharge of his duty, such person shall be guilty of a class 2 misdemeanor. (Code 1959, § 13-13)

**Sec. 19- 29. As sault, bat tery on fire fight ers.**

Any person who shall commit a simple assault or assault and battery on any member of the fire department while engaged in his official duties shall be guilty of a class 1 misdemeanor.

**Sec. 19-30. Repealed. (Ord No. O-90-093, 3-27-90, eff. 7-1-90)****Sec. 19- 31. Fees for re moval of wa ter from base ments.**

(a) If the fire department is requested on more than two (2) occasions to pump water from the same basement and the fire department believes that the basement flooding has been caused by the same problem, the property owner or tenant, as the case may be, may be required to submit information to the fire chief to demonstrate that reasonable efforts have been made to correct the problem causing the flooding. If the property owner or tenant is unable to demonstrate that reasonable efforts have been made to rectify the problems causing the flooding, the fire chief, at his discretion, will either charge a fee of fifty dollars (\$50.00) for each incident of basement pumping or basement pumping may be discontinued at such location. In making his decision, the fire chief shall consider the cause of the flooding, the measures that must be taken to correct the problem and the cost of the repair work. It shall be the responsibility of the property owner or tenant to furnish the fire chief with all information necessary to make a decision regarding basement pumping. The property owner or tenant shall furnish the fire chief with a written statement from a licensed contractor setting forth the cause of the basement flooding and the estimated cost of the necessary repairs.

(b) This fee would be the responsibility of the resident and/or owner. In the case of rental property the owner of the property would be responsible.

(c) No fee would be charged in the event of natural disasters.

(d) No substance, other than uncontaminated water, will be pumped from a basement by fire department personnel. (Ord. No. O-84-181, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-87-095, § 1, 5-26-87)

**Secs. 19-32—19-39. Reserved.****ARTICLE III. FIRE PREVENTION****Secs. 19-40—19-40.2. Repealed. (O-88-274)**

**Editor's note**—Sections 19-40—19-40.2, adopting the BOCA Basic Fire Prevention Code/1981, establishing and describing the duties of the fire official, and setting out amendments to the fire prevention code, were repealed by § 2, of Ord. No. O-88-274, enacted Oct. 11, 1988. Said sections were derived from Code 1959, § 13-1.1; and ordinance adopted Dec. 13, 1977; Ord. No. O-83-053, § 1, adopted March 22, 1983; and Ord. No. O-84-141, § 1, adopted June 12, 1984, effective July 1, 1984.

**Sec. 19-41. Repealed. (O-81-149)**

**Editor's note**—Ord. No. O-81-149, § 3, adopted June 23, 1981, repealed § 19-41, concerning leaf burning. Former § 19-41 was derived from an ordinance of Oct. 12, 1976.

**Sec. 19-42. Adoption of code.**

For the purposes of establishing rules and regulations to safeguard life, and property and public welfare from the hazards of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use of or occupancy of buildings, structures, sheds, tents, lots or premises, that certain fire prevention code known as the Virginia Statewide Fire Prevention Code/1996 edition, and the whole thereof, save and except such portions as are hereinafter deleted, modified, amended, added or changed is hereby adopted and incorporated, subject to the aforesaid deletions, modifications, amendments, additions and changes as fully as if set out at length herein, including all appendices. Copies of said code are on file in the office of the chief of the fire department of the City of Lynchburg, Virginia, at 800 Madison Street in the city, where they may be viewed on weekdays between the following hours, viz Mondays through Fridays from 8:30 a.m. to 5:00 p.m.

Said Virginia Statewide Fire Prevention Code/1996 edition, as so amended, is hereby adopted and incorporated as fully as if set out at length herein, and on and after the date on which this section shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Lynchburg, Virginia. (Ord.No. O-88-274, § 1, 10-11-88; Ord. No. O-92-054, 2-11-92; Ord. No. O-94-090, 5-10-94; Ord. No. O-97-158, 8-12-97)

**Sec. 19- 43. Establishment and duties of the code official.**

(a) The fire prevention code shall be enforced by the code official, who shall be the fire marshal for the City of Lynchburg.

(b) The code official shall be appointed by the chief of the fire department with the approval of the city manager.

(c) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.

(d) The code official shall also recommend any amendments to this chapter which may be desirable.

(5) The code official and deputy fire marshals shall, before entering upon their duties, take an oath before any officer authorized to administer oaths, to faithfully discharge the duties of their office. Such marshals, upon completing the course approved by the law-enforcement officers training standards commission for permanent law enforcement officers, shall be sworn as law enforcement officers. Such law enforcement officers shall continue to exercise such authority only upon satisfactory participation in in-service and advanced courses and programs approved by the commission. (Ord. No. O-8-274, § 1, 10-11-88)

**Sec. 19- 44. Amendments to the fire prevention code.**

The fire prevention code adopted by Section 19-42 is hereby modified and amended in the following respects:

Amendment Number 1: This code is hereby amended by adding Section F-106.1.1, "Powers," to read as follows:

Section F-106.1.1 Powers. The code official and assistant fire marshals shall have all powers and duties as established in chapter 3, title 27, Code of Virginia (1950), as amended.

Amendment Number 2: This code is hereby amended by adding Section F-106.5.1, "Impersonation," to read as follows:

Section F-106.5.1. Impersonation. It shall be unlawful for any unauthorized person to wear a fire marshal badge or uniform, or to otherwise falsely represent himself as the code official or designated representative thereof.

Amendment Number 3: F-107.2.4, "Payment of fees," is hereby amended and reenacted to read as follows:

Section F-107.2.4. Payment of fees. Fees may be levied by the local governing body in order to defray the cost of enforcement of this code and appeals under Section F-113.0. The permit fee for all required permits shall be fifty dollars (\$50.00), except that no fee shall be charged for bonfire or place of assembly permits to non-profit organizations.

Amendment Number 4: Section F-110.3, "Unsafe buildings," is hereby amended and reenacted to read as follows:

Section F-110.3. Unsafe buildings. All buildings and structures that are or hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy, or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe

buildings or structures. A vacant building, or portion of a building, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this code. Unsafe buildings shall be reported to the building or maintenance code official who shall take appropriate action deemed necessary under the provisions of the Uniform Statewide Building Code to secure abatement by repair and rehabilitation or by demolition. The code official shall placard such buildings and order that such buildings or structures be maintained free of all rubbish and trash and securely locked or boarded up.

Amendment Number 5: Section F-311.0, "Fire lanes," is hereby amended and reenacted; and this code is hereby amended by adding Section F-311.4, "Signs and markings," F-311.5, "Illegal use," F-311.6, "Existing signs," and F-311.7, "Access at carnivals, circuses, festivals, and fairs," all to read as follows:

Section F-311.4. Signs and markings. Signs and markings to delineate fire lanes as designated by the code official shall be provided, installed and maintained in a method and manner approved by the code official.

Section F-311.5. Illegal use.

(1) It shall be unlawful for any person to park or stop in or otherwise obstruct any such designated and marked fire lane area.

(2) In any prosecution charging a violation of paragraph (1) above, proof that the vehicle described in the complaint, summons or warrant was parked in violation of this section, together with proof that the defendant was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where and for the time such violation occurred.

(3) Whenever any vehicle is found to obstruct or interfere with the free ingress or egress of such designated and marked fire lane area, any officer discovering or having report of same may remove it or have it removed to the nearest storage garage for safekeeping and that fact shall be immediately reported to the division of motor vehicles or some officer or agent of said division and to the owner of such vehicle, as promptly as possible; and such owner, before obtaining the possession of such property, shall pay to the parties entitled thereto all reasonable and necessary costs incidental to the removal or storage of such property.

Section F-311.6. Existing signs. It shall be unlawful for any person to deface, injure, tamper with, remove, destroy or impair the usefulness of any posted fire lane sign installed under the provisions of this code.

Section F-311.7. Access at carnivals, circuses, festivals, and fairs. It shall be unlawful for the owner, operator or other person responsible for the establishment, erection or operation of any carnival, circus, festival, or fair to so establish, erect or operate said carnival, circus, festival, or fair without the establishment and maintenance of access lanes not less than eighteen (18) feet in width and capable of supporting emergency apparatus irrespective of weather conditions, and arranged so as to afford access to points within fifty (50) feet of all booths, tents, rides and other equipment, buildings and structures used as part of or in conjunction with such carnival, circus, festival or fair.

Amendment Number 6: This code is hereby amended by adding Section F-501.7, "Tampering," to read as follows:

Section F-501.7. Tampering. It shall be unlawful for any person to tamper with, damage, or destroy any fire protection system, device, or fire extinguisher installed in any building or structure or upon any premises within the city.

Amendment Number 7: This code is hereby amended by adding Section F-519.2.1, "Additional required locations," to read as follows:

Section F-519.2.1. Additional required locations. The code official shall require portable fire extinguishers in all the following locations in accordance with NFPA 10 as listed in Chapter 44.

- (a) In all buildings of use groups A-4, B, F, I-1, M, and S.
- (b) In all dormitories classified as use group R-2.
- (c) At all locations or premises where a fire hazard exists in the opinion of the code official.

Amendment Number 8: This code is hereby amended by adding Section F-519.2.2, "Exceptions," to read as follows:

Section F-519.2.2. Exceptions. The requirements of Section F-519.2.1 shall not apply to private dwellings, or private dwelling units except that the requirements shall apply to hallways, laundry rooms, furnace rooms and other areas of common use or access in all multi-family dwellings having more than two (2) dwelling units.

Amendment Number 9: This code is hereby amended by adding Section F-520.0, "Fire hydrants," to read as follows:

Section F-520.1 Hydrants for new construction: All new buildings or structures shall have fire hydrants within five hundred (500) feet of the entrance to the building and within seven hundred (700) feet of the most remote point of construction. Distance shall be measured along the path that hose lines are expected to be advanced. Hydrants shall be an approved type and shall be oriented to face towards the nearest accessible street or driveway. The location of hydrants on public right of way shall be approved by the city engineer for the City of Lynchburg. The location of hydrants on private property shall be approved by the code official. Private yard hydrants shall be painted red unless otherwise approved by the code official.

Exceptions are as follows:

1. Buildings issued a certificate of occupancy for: (a) use groups B, F2, or S2 when such building is not more than two stories in height or not more than 2500 square feet in area or, (b) for use group U when such building is at least 2500 square feet in area, shall have hydrants within one thousand (1000) feet of the building entrance.

2. This code section shall not apply to buildings or structures of the following types:

- (a) Use group U when the building is less than 2500 square feet in area.
- (b) Tents, construction trailers, or other temporary structures.
- (c) Nonhabitable towers, bridges, tanks containing a nonflammable product, or tanks containing an aggregate capacity of less than 10,000 gallons of flammable or combustible product.
- (d) Use group R4 when the building is separated from other buildings by a minimum of two hundred (200) feet and is protected by an approved sprinkler system installed in accordance with either NFPA 13D or NFPA 13R referenced by Chapter 35 of the building code listed in Chapter 44.

F-520.1.1 Water supply: Required hydrants shall be connected to a reliable water supply by piping of the following diameter size:

1. 10-inch or larger size piping shall serve hydrants protecting:

(a) A building used as use group H; (b) any building more than one hundred thousand (100,000) square feet in area; (c) any building more than fifty (50) feet in height, except piping on private property may be reduced to eight (8) inch size when the length of private piping does not exceed three hundred (300) feet.

2. Eight (8) inch or larger size piping shall serve hydrants protecting all other buildings or structures, except piping on private property may be reduced to six (6) inch size when the length of private piping does not exceed three hundred (300) feet.

F-520.2 Hydrants for existing structures: Existing buildings or structures shall have fire hydrants that are in accordance with the requirements of Section F-520.1 for new construction whenever any of the following conditions occur:

1. The occupiable space increases in height.
2. The occupiable space of the use group H or I increases in area or the total building area of any building increases more than 25% of its existing area.
3. The use of an existing building changes and the new use group becomes A, E, F1, H, I, M, S1, or R.
4. The aggregate capacity of tanks containing a flammable or combustible product increases.

The requirements of Section F-520.1.1 shall apply whenever additional piping must be provided but shall not apply if there are existing hydrants that otherwise comply with Section F-520.1.

F-520.3. Modifications. The fire official may grant modifications to these provisions upon application of the owner or the owner's representative provided that the spirit and intent of the code is observed and public health, welfare and safety are assured.

Amendment Number 10: This code is hereby amended by adding Section F-701.3, "Promulgation of fire safety instructions," to read as follows:

Section F-701.3. Promulgation of fire safety instructions. The code official shall issue rules and regulations which may require owners of buildings to post signs which said code official, at his discretion, deems necessary to minimize the danger to persons and property in case of fire. Said regulations may include, but shall not be limited to, the posting of disaster plans, egress routes, and smoking prohibitions.

Amendment Number 11: Section F-3103.4 "Bond for Display," is hereby amended and reenacted as follows:

Section F-3103.4. Financial responsibility and liability for display. The permittee shall furnish proof of liability insurance protection in amounts deemed adequate by the corporation counsel for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee's agents, employees or subcontractors. Such policy shall name the City of Lynchburg, its agents, employees and assignees as additional insureds, in such form, amount and coverage in each case to indemnify those named above against any damages arising from the permitted fireworks display. The permittee shall employ a minimum of two (2) off-duty fire marshals to supervise the display of fireworks. The code official may require the employment of additional off-duty police officers for crowd control.

Amendment Number 12: This code is hereby amended by adding Section F-3203.9.1, "Spill Control," to read as follows:

Section F-3203.9.1. Spill control. Each service station shall stock a minimum of two hundred (200) pounds of inert absorbent materials to control flammable and combustible spills by diking or absorbing such spills. Bulk, processing or industrial plants, refineries or other plants and distilleries having quantities of flammable and combustible liquids in containers exceeding six hundred sixty (660) gallons shall maintain a minimum of one thousand (1,000) pounds of inert absorbent materials to control spills of flammable or combustible liquids. The cost of any inert absorbent material furnished by the Fire Department as a result of a lack of the hereinabove set forth minimum amount shall be charged to and collected from the owner/operator of such business or firm. (Ord. No. O-88-274, § 1, 10-11-88; Ord. No. O-92-054, 2-11-92; Ord. No. O-94-090, 5-19-94; Ord. No. O-95-206, 7-11-95, eff. 9-1-95; Ord. No. O-97-158, 8-12-97)

